

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CHRIS SHAUGHNESSY,

Petitioner,

v.

CHRIS BUESGEN,

Respondent.

ORDER

24-cv-154-jdp

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Petitioner Chris Shaughnessy, proceeding without counsel, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his state-court conviction for second-degree sexual assault of a child. I dismissed his petition as untimely. Dkt. 13. Shaughnessy filed a notice of appeal and then followed with what he calls a “request for reconsideration,” stating that I refused to allow him to proceed on claims that the Wisconsin Court of Appeals “either waived or . . . ignore[d]” in its 2023 decision dismissing his appeal of his postconviction motion for resentencing. Dkt. 29, at 1.

Because Shaughnessy filed his motion for reconsideration more than 28 days after the judgment, I will consider his motion as one for relief from judgment under Federal Rule of Civil Procedure 60(b). I may consider this motion without asking the court of appeals to relinquish jurisdiction over Shaughnessy’s pending appeal. *Motorola Sols., Inc. v. Hytera Commc’ns Corp. Ltd.*, 108 F.4th 458, 503 (7th Cir. 2024) (“during the pendency of an appeal the district court may consider a Rule 60(b) motion and if it indicates that it is inclined to grant it, application then can be made to the appellate court for a remand.” (internal quotations omitted)). I will deny Shaughnessy’s motion because it doesn’t address my reason for dismissing his petition: it

was untimely and his postconviction motion filed after his habeas statute of limitations had passed didn't reset his habeas clock. *See* Dkt. 13, at 3.

ORDER

IT IS ORDERED that petitioner's motion for relief from judgment, Dkt. 29, is DENIED.

Entered July 3, 2025.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge